

NEW-YORK DAILY TRIBUNE, SATURDAY, SEPTEMBER 5, 1863.

ENLISTING FREE BLACKS IN MARYLAND.

Letter from Judge Bond.

BALTIMORE, Aug. 15, 1863.

DEAR SIR: In obedience to your request, I desire to submit in writing to you for the consideration of the War Department the following views respecting the use of the power given to the President by the act of Congress approved July 17, 1862.

There are, at the present time, 180,000 free negroes and 57,000 slaves, which latter are owned or "held to service" by about 16,000 persons. The population of the State is about 1,000,000.

The Governor, &c., I am informed, has directed me to accept the services of such men of African descent between the ages of 18 and 45 years, as may be deemed necessary, and proper for the suppression of the Rebellion; and for this purpose he may enslave them, if he so desires, as he may judge best for the public safety.

I therefore, to employ persons of African descent for the suppression of the Rebellion, and judged it best for the public safety to organize and use them as volunteer soldiers in the service of the United States, and to grant them all the pay and emoluments provided by law for such soldiers.

The President has authorized and directed me to accept the services of such men of African descent between the ages of 18 and 45 years of age, living in Maryland, to the number of 10,000, thousand, as may volunteer to enter the military service of the United States for the space of three years or during the present rebellion, to be organized, armed, and equipped according to law.

The objection which I have to this proceeding, in common with other non-slaveholders, is one which will strike your mind with great force.

To take away from the State the hearty, strong, and able free blacks who now do the manual labor on the farms of the seven comparatively free counties of the State and in the City of Baltimore will leave those sections of the State without labor, or else compel them, the most loyal sections of the State, to hire slave labor.

It is well known that free white labor will not enter the State to supply the place of the free colored labor which Slavery continues to exist here.

This at once gives a new value to the institution which no loyal master should be permanent, and which it has been both hoped and conceded the war would destroy, and which, likewise, the Administration has taught us to believe was its policy to rid us of forever.

I do not mean to assert that all the slaveholders in this State are disloyal, but by far the greater portion of them are, and such are hostile to the Government are for the most bitter and active of its enemies in our midst. The cause now pursued by Col. Birney under instructions as I understand it, viz., that of enlisting more free persons will double the value of slave property as it is called, and actually indirectly put money in the hands of those hostile to the Government which is taken from the purse of the loyal non-slaveholding people of the State.

I suppose the Government has no wish that such should be the result of its action in the premises. I therefore, propose as a remedy that persons owning slaves should bear their proportion of the public burden, and that slaves should be enlisted *paratus* with the free persons of color.

This cannot be done unless the act of Congress above referred to warrants it. The act gives the President power to employ all persons of African descent to put down the Rebellion—not all free persons. Those persons therefore of African descent liable to service in this State are clearly within the words of the act, and that their "relation" is not, and was not, intended by Congress to be a bar to their military service is plain from analogous statutes respecting the enlistment of white persons.

The fundamental idea of all the laws on the statute book respecting this matter, is that military service is the equal duty of all persons who enjoy the protection of, or owe obedience to the laws—the servant as well as the master. Hence Congress allows the enlistment of minors who, by law and natural right, owe service to the parent, and no compensation is made to the father for the lost service of his boy, between the ages of 18 and 21. Yet the law of Maryland recognizes this obligation to service on the part of the child, and enforces it when refused.

Again, the law of Maryland establishes the relation of master and apprentice. Without the statute such relation could not exist. It is the mere creature of law. Yet the act of Congress does not except the indentured youth from service, nor does it provide a compensation for the master. Higher and above, paramount to all such relations, is the claim of the country for military service, and all such ties and obligations, whether by force of law or by contract, are suppressed by Congress to be made or enjoined in full view of the well-known duty of military service.

I need not suggest that Slavery exists in this State upon no higher basis than the law. The service of a child to his parent, or an apprentice to his master, or a hiredling to his employer, is a legal obligation. One law is not superior to another. Statutes are equal of force, and as the duty of all persons to perform military service overrides the one of these relations, the others have no claim to exemption.

Perhaps it would be as well to remove an erroneous impression which seems to be an obstacle in the way of dealing with this matter, and that is, that the relation of master and slave has more of natural right, or of the accidents of property, than the relations to which we have likened it.

It is what the Constitution of Maryland calls it, and it is nothing more. "The relation of master and slave." The right to hold the slave may be of more value than the right to the services of an apprentice. It may be the subject of inheritance, and not cease with the life of the party to whom service is due, as in the case of the parent and child, but the value of a thing does not alter its legal status or definition. The law deals with it in Maryland precisely as it deals with the relation of master and apprentice.

If a man cruelly beats his apprentice the law disolves the relationship.

If a man cruelly beats his negro the law dissolves that relationship also, and the negro is free.

If a man brings a party owing service into this State, intending to sell him to some one out of the State, the act of Assembly manumits the party, and annuls the obligation to service; and as the law of Maryland views the matter, so the act of Congress views it as an obligation to service to which the military duty of the person owing service is paramount.

The law of Maryland never loses sight of the fact that the party owing service is a *person*. The law of Congress regards him, likewise, as a person, and that he owes military service.

If the Department agrees with me in these views, the duty of the Governor is clear.

A few years ago the Legislature of Maryland, under the influence of ultra-proslavery men submitted to the people of a large portion of the State for acceptance, a law compelling the free persons of color of this State to enter the relation of servitude again or be sold to the highest bidder. Our people well knew that the free people of color would not sue the State rather than return again to bondage, and looked upon the law as an attempt to deprive them of the services of the free population and compel them, the non-slaveholding community, to hire the surplus slave population. The law was indignantly rejected.

I submit that the Government, if it pursues the course now practiced, will be in effect putting in force a statute which the people of Maryland, in the heyday of Slavery in this State, refused to face on the statute book.

A leading slaveholder has, I am informed, made a request that the Government allow a bounty or sum of money by way of compensation to the owner of slaves who shall enlist them in the service of the United States.

The objection to this course is that it is partial and unjust. The Government makes no such allowance to a poor father whose son is enlisted, not to a mechanic whose apprentice is drafted; and also that it removes a proposal of the President to compensate our slaveholding fellow-citizens who would favor emancipation, against which proposition the vote of every representative from our slaveholding districts was recorded six months ago, and they are renominated for Congress, thus approving their action.

If, however, the Government, willing to yield the enforcement of strict law to what they may think a more conservative policy, shall adopt any such method, or offer a bounty for the enlistment of slaves, it will be hoped that such allowance will be made only to loyal people, and that with respect to persons owing service to disloyal men the paramount obligation of military service will be enforced.

I hope, however, the Government will view the matter as I do, and authorize the officer instructed with this service to issue the following proclamation:

Yours truly,

JUDGE BOND.

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ALL MEN OF AFRICAN DESCENT, BETWEEN THE AGES OF EIGHTEEN AND FORTY-FIVE YEARS, IN MARYLAND.

The act of Congress approved on the 17th of July, 1862, having enacted as follows, viz:

"That the President of the United States is authorized to employ as many persons of African descent as he may deem necessary, and proper for the suppression of the rebellion, and for this purpose he may enslave them, if he so desires, as he may judge best for the public safety."

The President having, under that law and its authority received to employ persons of African descent for the suppression of the rebellion, and judged it best for the public safety to organize and use them as volunteer soldiers in the service of the United States, and to grant them all the pay and emoluments provided by law for such soldiers.

The President has authorized and directed me to accept the services of such men of African descent between the ages of 18 and 45 years of age, living in Maryland, to the number of 10,000 thousand, as may volunteer to enter the military service of the United States for the space of three years or during the present rebellion, to be organized, armed, and equipped according to law.

I, therefore, hereby invite and entreat all men of African descent of the military age to offer their services to the United States for the suppression of this rebellion, and I promise to accept all such as on examination may be found competent for military service, and to enrol them and provide them forthwith with clothes and rations, and to organize and exercise them.

And the President having, under that law and its authority received to employ persons of African descent for the suppression of the rebellion, and judged it best for the public safety to organize and use them as volunteer soldiers in the service of the United States, and to grant them all the pay and emoluments provided by law for such soldiers.

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All men of African descent who may in any manner, by their persuasion or force, be impeded in their efforts to offer their services to the United States by any person, will report the fact to the nearest Provost-Marshal, when prompt measures will be taken for the punishment of such person according to law.

This cannot be done unless the act of Congress above referred to warrants it. The act gives the President power to employ all persons of African descent to put down the Rebellion—not all free persons. Those persons therefore of African descent liable to service in this State are clearly within the words of the act, and that their "relation" is not, and was not, intended by Congress to be a bar to their military service is plain from analogous statutes respecting the enlistment of white persons.

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The objection to this course is that it is partial and unjust.

The Government makes no such allowance to a poor father whose son is enlisted, not to a mechanic whose apprentice is drafted;

and also that it removes a proposal of the President to compensate our slaveholding fellow-citizens who would favor emancipation, against which proposition the vote of every representative from our slaveholding districts was recorded six months ago, and they are renominated for Congress, thus approving their action.

If, however, the Government, willing to yield the enforcement of strict law to what they may think a more conservative policy, shall adopt any such method,

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